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authorities, although differing somewhat in their application of the term, are agreed that there can be a sale of non-existing property if it be in potential existence, *e. g.*, the prospective increase of something of which the vendor is the present owner. *Dickey v. Waldo*, 97 Mich. 255, 23 L. R. A. 449; *Sanborn v. Benedict*, 78 Ill. 309; *Cutting Packing Co. v. Packers' Exch.*, 86 Cal. 574, 21 Am. St. R. 63, 25 Pac. 52; *Hull v. Hull*, 48 Conn. 250, 40 Am. Rep. 165. As to crops not yet planted, some courts hold to the view that there can be no valid executed sale. *Welter v. Hill*, 65 Minn. 273, 68 N. W. 26; *Redd v. Williams*, 58 Ga. 574. But in *Briggs v. United States*, 143 U. S. 346, 12 Sup. Ct. Rep. 391, it was held that there could be a valid sale of a crop of cotton not yet planted,—the court saying, that “the sale would take effect the moment the crop appeared.” The plaintiff, in the case under consideration, attempted to show that the title to the prospective crop was in himself and that defendant was to be paid for his work of raising the corn. But the court pointed out the fact that only that portion of the crop which should conform to a standard agreed upon, in the contract, was to go to the plaintiff and that, therefore, the sale was one of a part of a larger mass, which part had not yet been separated from the mass. That being so, the title of plaintiff had never become complete. As to whether there can be a valid mortgage of a crop not yet existing, there is a conflict of authority. In the following cases, such a mortgage has been held to be valid. *Headrick v. Brattain*, 63 Ind. 438; *Rawlings v. Hunt*, 90 N. C. 270; *Arques v. Wasson*, 51 Cal. 620, 21 Am. Rep. 718. To the contrary see, *Bates v. Smith*, 83 Mich. 347; *Comstock v. Scales*, 7 Wis. 138; *Hutchinson v. Ford*, 9 Bush. (Ky.) 318, 15 Am. Rep. 711; *Cressey v. Sabre*, 17 Hun. (N. Y.) 120. But in some states, although there can be no valid sale or mortgage of a crop to be planted, it is held that such a conveyance creates an equitable interest which will attach to the property upon its coming into existence. *Hurst v. Bell*, 72 Ala. 336; *Everman v. Robb*, 52 Miss. 653, 24 Am. Rep. 682; *Wilkinson v. Ketter*, 69 Ala. 435; *Butt v. Ellett*, 19 Wall. 544.

**TORT: LIABILITY OF MANUFACTURER ON SALE OF INFERIOR OIL.**—Plaintiff sustained injuries from explosion of a lamp filled with oil manufactured by defendant and the explosion of which was alleged to have been due to adulteration or inferior grade of oil. Held, the manufacturer or wholesaler of kerosene inferior to the test required by statute is liable for resulting damages to a consumer. *Stowell v. Standard Oil Co.* (1905), — Mich. —, 102 N. W. Rep. 227.

Defendant contended that there being no privity of contract between plaintiff and defendant, no recovery could be had in the absence of a showing that defendant had actual knowledge of the inferior quality of the oil or had reason to know of it. It was manifest that the oil inspector was extremely lax in his methods and his inspection fell far short of compliance with the statute. The state legislature having recognized oil inferior to the test as a dangerous substance, the case does not come within the exception to the general rule, as laid down in *O'Neill v. James* (1904), — Mich. —, 101 N. W. 828, noted in 3 MICHIGAN LAW REVIEW, 420.